IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 16796 of 2007(Y)

PETITIONER:

K.K.KURIAKOSE, KANNANTHANAM HOUSE,
SOUTH PAMPADY P.O., KOTTAYAM DISTRICT
(RETIRED EXECUTIVE OFFICER, KOTTAYAM DISTRICT
CO-OPERATIVE BANK LTD., KOTTAYAM).

BY ADV. SRI.K.G.CLEETUS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF
CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

3. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK LTD., DISTRICT CO-OPERATIVE BANK BUILDINGS,
KOTTAYAM, REPRESENTED BY ITS GENERAL MANAGER.

R1 & R2 BY GOVERNMENT PLEADER (SHRI P.N. SANTHOSH)

BY ADV. SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/ 06 / 2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 16796 OF 2007 Y

Dated this the 14th June, 2007

JUDGMENT

Petitioner challenges Ext.P3. By Ext.P3, it is stated that the Appeal filed by one Shri Mathew Kariyampad against the order of the Registrar of Co-operative Societies is allowed by the Government as a very special case, and the Registrar is unable to consider the case of the petitioner. Complaint of petitioner is that he is entitled to exemption from possession of qualification which is recommended by Ext.P1 by the third respondent Bank. He points out that there is discrimination. Learned Government Pleader on the other hand points out that Ext.P3 is an appealable order and in fact all that the Registrar has stated is that in the case of Shri Mathew Kariyampad, the Appeal was allowed by the Government as a very special case. In such circumstances, I feel that the petitioner has an alternate remedy in the form of an Appeal under Section 83(1j) as pointed out by the learned Government Pleader. Accordingly, the Writ

Petition is disposed of relegating the petitioner to avail the appellate remedy. I am sure that the Appellate Authority will not give room for any complaint of discrimination between similarly situated persons. Since the petitioner is a retired hand, counsel for petitioner submits that an Appeal will be filed within one week from today. If the appeal is filed within one week from today, a decision will be taken by the Government in accordance with law after hearing the petitioner also, at the earliest and, at any rate, within a period of two months from the date of receipt of the Appeal.

K. M. JOSEPH, JUDGE

kbk.